

Message Text

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44

ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 DRC-01 SSO-00 NSCE-00 USIE-00

INRE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

ACDA-19 IO-14 CAB-09 COME-00 FAA-00 DOTE-00 AF-10

ARA-16 EA-11 NEA-10 SY-10 SCA-01 JUSE-00 /200 W

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O 151524Z NOV 73

FM AMCONSUL MONTREAL

TO SECSTATE WASHDC IMMEDIATE 4084

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FROM USREP ICAO

E. O. 11652: N/A

TAGS: ETRN, CA

SUBJ: ICAO - COMMITTEE ON UNLAWFUL INTERFERENCE - NEW SECURITY

ANNEX

1. AS RESULT PROPOSAL BY FRANCE, COMMITTEE CONSIDERED DEFINITIONS OF "SECURITY" AND "UNLAWFUL INTERFERENCE". AFTER MUCH DISCUSSION, CONSIDERATION DOWN TO AN INFORMAL "NOTE" AT BEGINNING OF DEFINITIONS CHAPTER WHICH WOULD INCLUDE BOTH "DESCRIPTIONS."

2. COMMITTEE SEEMS AGREEABLE TO FOLLOWING LANGUAGE RE "SECURITY":

QUOTE: IN THIS ANNEX THE WORD "SECURITY" DENOTES THE SAFEGUARDING OF INTERNATIONAL CIVIL AVIATION AND ITS FACILITIES AGAINST ACTS OF UNLAWFUL INTERFERENCE UNQUOTE TO BE FOLLOWED BY QUOTE AND THE TERM 'ACTS OF UNLAWFUL INTERFERENCE' MEANS ETC. UNQUOTE. SEVERAL WILD SUGGESTIONS HAVE BEEN FORTHCOMPNG BUT COMMITTEE NOW SEEMS PREFER "ELEMENTS" OF HAGUE/MONTREAL ARTICLE I (ALTHOUGH REFUSED INCORPORATE BY REFERENCE). IN THIS CONNECTION,
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LEGAL BUREAU SUGGESTING FOLLOWING AS COMPLETION OF ABOVE INFORMAL

NOTE.

QUOTE: (A) UNLAWFUL SEIZURE BEGIN BRACKETS OR EXERCISE OF CONTROL
END BRACKETS OF AN AIRCRAFT BY FORCE OR THREAT THEREOF;

(B) ACTS OF VIOLENCE AGAINST PERSONS ON BOARD AN AIR-
CRAFT, WHICH ARE LIKELY TO ENDANGER ITS SAFETY IN FLIGHT;

(C) DESTRUCTION OF AN AIRCRAFT OR DAMAGE TO IT, WHICH RENDERS
IT INCAPABLE OF FLIGHT OR IS LIKELY TO ENDANGER ITS SAFETY
IN FLIGHT;

(D) PLACING ON AN AIRCRAFT A DEVICE OR SUBSTANCE WHICH IS LIKELY
TO DESTROY THE AIRCRAFT OR TO CAUSE DAMAGE TO IT WHICH RENDERS
IT INCAPABLE OF FLIGHT, OR WHICH IS LIKELY TO ENDANGER ITS
SAFETY IN FLIGHT;

(E) DESTRUCTION OF OR DAMAGE TO AIR NAVIGATION FACILITIES OR
INTERFERENCE WITH THEIR OPERATION, IF SUCH ACTS ARE LIKELY TO
ENDANGER THE SAFETY OF THE AIRCRAFT IN FLIGHT;

(F) ATTEMPTS TO COMMIT ANY OF THE ABOVE-MENTIONED ACTS. UNQUOTE

FYI: PASSENGERS, CREWS, PERSONNEL, AIRPORTS, ETC. NOT COVERED
WHICH CONCERNS SOME COMMITTEE MEMBERS. USREP AWARE GREEK PROPOSAL/
ROME AND OTHER HISTORY. LEGAL BUREAU EUGGESTS DELETION LAST HALF
OF (E) AND INTERPRETATION "AIR NAV FAILITIES" TO INCLUDE
AIRPORTS PER ARTICLE 28(A) CHICAGO CONVENTION. END FYI.

3. COMMITTEE HAS EXHAUSTED DISCUSSION AND IN OPINION USREP WILL
EITHER ADOPT SOMETHING QUICKLY FOR REFERRAL TO COUNCIL OR ABANDON
NOTION OF ANY DEFINITIONS.

4. USREP REQUESTS APPROVAL TO MAKE THE PROPOSAL NOT RPT NOT TO
INCLUDE ANY DEFINITIONS OF THESE PHRASES. MAJORITY COMMITTEE
INCLUDING FRANCE READY TO TURN DISCUSSION BACK TO COMPLETION OF
FEW REMAINING MINOR ISSUES.

5. USREP DOES NOT WISH LONG DETAILED LEGAL ANALYSIS OF ABOVE
TEXT. DOUBTFUL THAT IT WILL SURVIVE UNTIL MEETING AND VERY
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DOUBTFUL IT WOULD SURVIVE FIRST 30 MINUTES (MANY OTHER PROPOSALS
HAVESCOME/GONE.) HOWEVER, SHOULD ABOVE SUGGESTION BY SOME
MIRACLE BE ACCEPTABLE TO US, SINCE IT IS DRAWN DIRECTLY FROM
MONTREAL CONVENTION, MAY BE OPPORTUNITY TO PUSH THROUGH
COMMITTEE QUICKLY, EVEN WITH MINOR MODIFICATION.

6. USREP REQUESTS INSTRUCTION BY PHONE, CONFIRMED IN TELEGRAM,
BY NOON NOV 15 IN ORDER DISCUSS POSITION INFORMALLY WITH COMMITTEE

MEMBERS AND/OR ISSUE DISCUSSION PAPER THREE LANGUAGES.

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